

BRYAN SEDDENS, )  
)  
Petitioner, )  
)  
v. ) No. 4:16-CV-449 AGF  
)  
IAN WALLACE, )  
)  
Respondent, )

The Court of Appeals for the Eighth Circuit has given Petitioner authorization to file a second or successive petition for writ of habeas corpus. Pending before the Court is Petitioner's motion for appointment of counsel. The motion is granted.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the Petitioner has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the Petitioner will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the Petitioner's allegations; and (4) whether the factual and legal issues presented by the action are complex.

*See Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986); *Nelson*, 728 F.2d at 1005.

After considering these factors, the Court finds that appointing counsel is warranted. The legal issues in this case are complex, and Petitioner will substantially benefit from the appointment of counsel.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion for appointment of counsel [ECF No. 3] is **GRANTED**.

Dated this 7<sup>th</sup> day of March, 2017.

A handwritten signature in black ink, reading "Audrey G. Fleissig", is written over a horizontal line.

AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE